

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 21-549 KWR/KK

316 75TH STREET SW, ALBUQUERQUE,  
NEW MEXICO 87121, *et al.*,

Defendants,

and

BRITTANY GONZALES, *et al.*,

Claimants.

**ORDER ON PLAINTIFF’S MOTIONS TO COMPEL  
CLAIMANT NAVARRO TO RESPOND TO DISCOVERY REQUESTS**

THIS MATTER is before the Court on Plaintiff’s Motion to Compel Answers to Interrogatories Propounded Onto Cla[i]mant Francisco Navarro (Doc. 93), filed September 28, 2022, and Plaintiff’s Motion to Compel Production of Documents and Responses to Produce Documents Propounded Onto Cla[i]mant Francisco Navarro (Doc. 95), filed September 28, 2022 (collectively, “Motions”). To date, Claimant Francisco Navarro (“Claimant”) has not filed responses in opposition to the Motions. Plaintiff filed Notices of Completion of Briefing regarding the Motions on October 18, 2022. (Docs. 113, 114.)

Under this Court’s Local Civil Rules, a response in opposition to a motion “must be served and filed within fourteen (14) calendar days after service of the motion.” D.N.M.LR-Civ. 7.4(a). “The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.” D.N.M.LR-Civ. 7.1(b).

Plaintiff served the Motions on Claimant on September 28, 2022, (Docs. 94, 96), making Claimant's responses to the Motions due by October 12, 2022. D.N.M.LR-Civ. 7.4(a). However, to date, Claimant has not filed responses to the Motions or sought an extension of time in which to do so. By rule, Claimant's failure to timely file and serve responses in opposition to the Motions constitutes consent to grant them. D.N.M.LR-Civ. 7.1(b).

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Answers to Interrogatories Propounded Onto Cla[i]mant Francisco Navarro (Doc. 93) and Plaintiff's Motion to Compel Production of Documents and Responses to Produce Documents Propounded Onto Cla[i]mant Francisco Navarro (Doc. 95) are GRANTED IN PART in that Claimant Francisco Navarro shall serve Plaintiff with the supplemental answers to interrogatories and responses to requests for production that Plaintiff seeks in the Motions no later than **Tuesday, November 1, 2022**. Plaintiff's alternative requests for dismissal of Claimant's Claim, (*see* Doc. 93 at 3; Doc. 95 at 4), are DENIED AS MOOT.

IT IS SO ORDERED.



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KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE